

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

UNITED STATES OF AMERICA,

V.

Eugene Atkins II, dob 11/26/84

CRIMINAL COMPLAINT

CASE NUMBER: 1:04-MJ- 720

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief: On or about December 17, 2004 in Kent County, in the Western District of Michigan, Southern Division, the defendant (Track Statutory Language of Offense) did knowingly and intentionally possess with intent to distribute heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

I further state that I am a Task Force Officer with the (Official Title) Drug Enforcement Administration and that this complaint is based upon my personal knowledge and reports made to me by other law enforcement officials of the following facts:

On or about December 17, 2004 Special Agents and Task Force Officers of the DEA debriefed Confidential Source One (CS-1) relative to the drug trafficking activities of a person known to CS-1 as "Austin." Through other investigation, I was able to determine that Eugene Atkins II uses the name "Austin." CS-1 identified a picture of Eugene Atkins II as the person known to him as "Austin." CS-1 further disclosed that he had purchased heroin from "Austin" last week. CS-1's information was consistent with other information received concerning the distribution of heroin by a person going by "Austin" including sites of deals and "Austin's" Nextel "direct connect" number.

CS-1 agreed to assist the DEA in setting up a purchase of heroin from "Austin." At approximately 4:10 p.m. on December 17, 2004, CS-1 called "Austin" via Nextel "direct connect." Agents and officers of the DEA recorded this call where CS-1 inquired about obtaining a "1/2." CS-1 indicated that "1/2" was the way to describe a 1/2 gram amount of heroin. During the call "Austin" informed CS-1 to meet him at the "East Town" location. According to CS-1, this location was in the area of the intersection of Logan and Ethel Streets in Grand Rapids. CS-1 told "Austin" that CS-1 would connect with "Austin" when CS-1 was in the area.

DEA Task Force Officers and Agents set up surveillance of the area of the intersection of Logan and Ethel Streets. At approximately 5:15 pm on December 17, 2004, CS-1 connected with "Austin" via Nextel "direct connect" in another call which was recorded. CS-1 informed "Austin" that CS-1 was in the area. Officers and Agents viewed a person matching the description of Eugene Atkins II at the corner of Logan and Ethel streets. I observed him begin to walk west and look around. At that time the person hiked up his pants and began to run while removing his left hand from his pants pocket. One of the Agents subsequently tackled the person who was subsequently confirmed to be Eugene Atkins II.

Task Force Officer Pat O'Toole examined the area where Eugene Atkins II took his hands out of his pocket and began to run. He found two bags of suspected heroin containing quantities believed to be approximately 1/4 and 1/2 gram amounts of heroin. One of these substances was field tested resulting in a positive test for heroin. Agents and officers discovered Eugene Atkins in possession of approximately \$595.00 in United States currency. Also found on the person of Eugene Atkins II was a Nextel phone which contained a contact number for CS-1 and

a personal check from a young man known from earlier investigation to be an admitted user of heroin. In a consensual search of the apartment of the girlfriend of Eugene Atkins II, officers found a small digital scale.

Continued on the attached sheet and made a part hereof: ___ Yes X No

Michael Mesman
Signature of Complainant - Michael Mesman

Sworn to before me and subscribed in my presence,

December 18, 2004 2:05 pm
Date and Time Issued

Ellen S. Carmody
United States Magistrate Judge
(Name & Title of Judicial Officer)

at Grand Rapids, Michigan
Ellen S. Carmody
Signature of Judicial Officer